

ESTTA Tracking number: **ESTTA774586**

Filing date: **10/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Maverick Sports Medicine, Inc.		
Entity	Corporation	Citizenship	Washington
Address	18080 NE 68th Street #A150 Redmond, VA 98052 UNITED STATES		

Attorney information	E. Russell Tarleton Seed IP Law Group LLP 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES RussT@SeedIP.com, litcal@SeedIP.com Phone:206-622-4900
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Registration Subject to Cancellation

Registration No	3212906	Registration date	02/27/2007
Registrant	LIFESTYLE PRODUCTS P.O. BOX 4614 LOGAN, UT 84323 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2005/04/15 First Use In Commerce: 2005/04/15 All goods and services in the class are cancelled, namely: Pre-recorded CD's, video tapes, laser disks and DVD's featuring exercise workouts
Class 028. First Use: 2005/04/15 First Use In Commerce: 2005/04/15 All goods and services in the class are cancelled, namely: Manually-operated exercise equipment

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel - fitness essentials.pdf(105107 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/E. Russell Tarleton/
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Name	E. Russell Tarleton
Date	10/04/2016

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Maverick Sports Medicine, Inc.)	
d/b/a Pro-Tec Athletics,)	
)	Cancellation No.
Petitioner,)	
)	Registration No. 3,212,906
v.)	
)	
Lifestyle Products,)	
)	
Respondent.)	Attorney Docket No. 630207.806

Petition to Cancel

Petitioner Maverick Sports Medicine, Inc. d/b/a Pro-Tec Athletics (“Maverick”) hereby requests that the Trademark Trial and Appeal Board cancel United States Trademark Registration No. 3,212,906 issued to Lifestyle Products on February 27, 2007 for the mark FITNESS ESSENTIALS in international classes 9 and 28.

The grounds asserted by Petitioner for cancellation are as follows:

1. Petitioner has applied to register the mark FIT ESSENTIALS for “Massage devices, namely, handheld roller massagers, foam massage rollers, and deep tissue massage balls” in Class 10. Petitioner’s application was filed December 17, 2015 and is presently pending as US Trademark Application Serial Nos. 86/852,284 (“Petitioner’s Application”).
2. Registration No. 3,212,906 has been cited against Petitioner’s Application.
3. Upon information and belief, Respondent is no longer using the FITNESS ESSENTIALS Mark for the pre-recorded CD’s video tapes, laser disks and DVD’s featuring exercise workouts claimed in Registration No. 3,212,906.
4. Upon information and belief, Respondent has not used the FITNESS ESSENTIALS Mark for the goods claimed in Registration No. 3,212,906 for more than three years.

5. Upon information and belief, Respondent has abandoned any and all rights it may have had in its registered FITNESS ESSENTIALS mark by discontinuing use of the mark for the claimed goods with no intent to resume such use.

6. Petitioner will be damaged by continuance of Registration No. 3,212,906 in that it is cited against Petitioner's Application and may delay or impair Petitioner's ability to register FIT ESSENTIALS for the goods claimed in Petitioner's Application.

WHEREFORE, Petitioner prays that this Petition for Cancel be granted and Registration No. 3,212,906 be cancelled.

Correspondence Address

Please direct all communications to:

E. Russell Tarleton
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LitCal@SeedIP.com
SEED IP Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104

DATED this 4th day of October, 2016.

Respectfully submitted,

SEED IP Law Group PLLC

/E. Russell Tarleton/

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Attorney for Maverick Sports Medicine, Inc.
d/b/a Pro-Tec Athletics

Certificate of Service

I hereby certify that on this 4th day of October, 2016, the foregoing **Petition to Cancel** was served upon Respondent by United States first-class mail, postage-prepaid and its counsel by email and United States first-class mail, postage-prepaid, addressed as follows:

Lifestyle Products
P.O. Box 4614
Logan, UT 84323

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/Anne Calico/

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